

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re: Chapter 9
City of Detroit, Michigan, Case No. 13-53846
Debtor, Judge Thomas J. Tucker
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ORDER AMENDING MEDIATION CONFIDENTIALITY ORDER

Pursuant to 11 U.S.C. § 105, on August 13, 2013, a Mediation Order was issued in this case, outlining a process for conducting facilitative mediations of matters referred within the context of the bankruptcy litigation.

In April of 2014, the Honorable Sean F. Cox was appointed to serve as the mediator for discussions and negotiations related to the potential establishment of a regional authority to operate and manage the regional assets of the Detroit Water and Sewerage Department. In an Order issued on November 26, 2014, Judge Rhodes¹ ordered that Judge Cox shall continue to serve as a judicial mediator in this case for purposes of facilitative mediation of matters regarding the Great Lakes Water Authority. (Docket Entry No. 8468). In an Order entered on June 5, 2015, the undersigned judge extended Judge Cox's appointment as mediator until January 1, 2016. (Docket Entry No. 9942).

Judge Cox has apprised this Court that with the conclusion of the mediation efforts associated with the lease agreements and the water and sewer services agreement, the mediation order relating to confidentiality of discussions relating to those agreements may be lifted

¹ Judge Steven Rhodes presided over this case until his retirement, at which time the undersigned judge was assigned to this case.

prospectively, to the extent described by this Order, below.

IT IS ORDERED that effective immediately, the Order entitled “Mediation Confidentiality Order” entered on February 6, 2015 (Docket # 9176, the “Confidentiality Order”) is amended to permit all parties and their representatives to publicly disclose and discuss the lease agreements and the water and sewer services agreement, and the final terms of those agreements, as they now exist as a result of the mediation.²

IT IS FURTHER ORDERED that discussions which occurred during the mediation of the agreements referred to above, and all drafts of such agreements and related documents, shall remain privileged and confidential and shall not be disclosed.

IT IS FURTHER ORDERED that other documents associated with the conditions to the effectiveness of the leases and the water and sewer services agreement shall not be subject to disclosure until they are final, unless otherwise directed by this Court.

IT IS FURTHER ORDERED that except as amended by this Order, the Confidentiality Order remains in full effect.

IT IS FURTHER ORDERED that Judge Cox may, in his discretion, continue to direct the parties to engage in facilitative mediation on substantive issues, process, and issues regarding information development and exchanges.

Signed on June 11, 2015

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge

² Such agreements are still subject to approval by the Board of the Great Lakes Water Authority.